IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.505 OF 2007

1. Shrikant Sitalaprasad Mishra
2. Ravi Babu Gawli ..Applicant
V/s
The State of Maharashtra and Anr. ..Respondent.

Mr. Ramesh Pandey h/f M.P Mishra, Advocates for the applicant.

Mrs.M.H. Mhatre, APP for the respondents.

CORAM : J.H. BHATIA, J.

DATE : 27TH FEBRUARY, 2007.

P.C.

. Heard Mr Pandey, learned Counsel for the applicant and Mrs. Mhatre, learned APP for the respondents. The applicants seek to be released on bail in Crime No.256/2006 registered at Malad Police Station for the offence punishable under Section 364A, 458, 342, 341, 380, 506(2) and 120B r/w section 34 Indian Penal Code.

2. The prosecution case, in brief, is that one Babulal Kothari is the owner of flat No.502 in Midas Enclave C Wingh, Malad West. For maintenance and taking care of said flat, he had engaged Yasin Patel and his

servant Jayantilal Patel. On 7/2/2006 said Babulal Kothari had lodged a report against Hitendra Parmar alleging that he had fabricated one tenancy agreement with the help of applicant No.1 Shrikant Mishra and others. The present applicant Shrikant had forged signatures and the names of two other person as an attesting witnesses. On that report Crime No. 78/2006 was registered and Hitendra Parmar sought anticipatory bail wherein he conceded that the possession of the flat was given back to the complainant. Said Hitendra Parmar filed Small Cause Suit No. 440/2005 for possession of the said flat on the basis of forged tenancy agreement. Later on, his Counsel had told the Court that the matter was being amicably settled. However, on that day Hitendra Parmar did not appear. On 22nd April, 2006 Hitendra Parmar and his companions, namely Shrikant Mishra, Ramakant Mishra, Tiwari and Ravi Gawli forcibly took the possession back and abducted Jayantial Dave. Therefore, the present offence was registered on the report lodged by Babulal Kothari. According to the prosecution, the present applicant No.1 is a main brain behind the commission of the offence and applicant No.2 was close associate in execution of this offence. The present applicants were absconding for long time and on

that ground their application for bail was rejected by the Sessions Court. It appears that prior to the arrest of the present applicant in December, 2006, police had already filed charge-sheet against the remaining accused and trial was also commenced. After arrest of the present applicants supplementary charge sheet is also filed recently. Mrs. Mhatre, on instructions, informed that number of criminal cases are registered against the present applicants at different police stations and if bail is granted they may abscond or commit similar offences again. Taking into consideration the circumstances of the case, and antecedent of the present applicants, I find that it will not be in the interest of justice to grant bail, particularly when the trial may be concluded within a short time.

3. The application stands rejected. The learned Additional Sessions Judge shall expedite the trial and dispose of the same as early as possible and preferably within four months.

(J.H. BHATIA, J.)